No. 84-1192 (3)

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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1984

GAF CORPORATION,

*Petitioner,*

vs.

JAMES K. J. CHENG,

*Respondent.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

## PETITIONER'S REPLY MEMORANDUM

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Petitioner GAF will not belabor the merits of the opinion of the Court of Appeals for the Second Circuit, as Respondent Cheng has done almost exclusively in his Brief in Opposition. Suffice it to say that Cheng cites no authority for the proposition that this Court should not be reviewing a Circuit Court's analysis of a District Court's exercise of discretion.

Cheng opines that he knows of no other reported attorney disqualification cases involving legal services attorneys moving

into private practice. Whether or not that is a fact, the significant point is that the mobility of such attorneys must be substantially chilled and curtailed by the rationale applied by the Second Circuit. The issue of "screening" has been addressed by a variety of lower courts and ought to be considered by this Court to ensure uniformity of decision in an area peculiarly affecting the careers of attorneys and the rights of litigants to counsel of their choice.

For all the above reasons, a writ of certiorari should issue to review the judgment and decision of the United States Court of Appeals for the Second Circuit in this case.

Respectfully submitted,

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